

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MUENSTER MILLING CO., INC.

§

§

§

V.

§

CASE NO. 4:06CV338

(Judge Schneider/Judge Bush)

ALLTECH, INC., ET AL.

§

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced civil action, this Court having heretofore ordered this case be referred to the United States Magistrate Judge for all pretrial purposes.

The report of the United States Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the Defendants' Notice of Removal and Defendants' Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6), has been presented for consideration. The Court having made a *de novo* review of the objections raised by Defendants thereto, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Defendants are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

ORDERED that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court. It is further

ORDERED that the above titled and numbered cause of action be **REMANDED** to the 235th Judicial District Court of Cooke County, Texas.

SIGNED this 18th day of September, 2006.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE